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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,200	12/15/2003	Bob Cusack	053.0002 (026727.0001)	4788
4372	7590	05/19/2005	EXAMINER	
ARENT FOX PLLC			CUFF, MICHAEL A	
1050 CONNECTICUT AVENUE, N.W.				
SUITE 400			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20036			3627	
DATE MAILED: 05/19/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/734,200	CUSACK ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Michael Cuff	3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 28 January 2005.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-21 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Danielson et al. in view of Beach et al.

Danielson et al. shows all of the limitations of the claims except for specifying the use of a web browser application with control user entry, HTML documents, and peripheral devices including a printer and cash drawers, which automatically open during a sale.

Danielson et al. shows, figures 1 and 3, an in-store multiple device communications unit and centralized data system (electronic data network). Figure 3 shows a district central site 30 (central database facility, central database management facility) in communication through line 32 with multiple store location units 31-N (application facilities, client data processing facilities). Figure 1 shows each store location units network including a point of sale network 13 (user interfaces, remote point of sale, having self-contained software), which performs the day-to-day sales functions (operation and verification of user-entered data). Sales and operation data (items) are processed through (received, retrieved, accessed) the network. The corporate network 34 (enterprise function) receives and supplies data (enterprise data) to the network.

Beach et al. teaches, figure 1, a POS network system using an Internet and intranet scanning terminal system. In a preferred embodiment of the invention, a portable terminal having an integrated machine code reader (script instructions for control user-entry) and a radio is provided with a graphical user interface such as a □web browser□ in order to display instructional files (column 2, lines 8-12). The structure of the system permits the retail facility to use standard programming tools such as HTML 3.0 for the creation of an Intranet/Internet environment for ease of retrieving and converting data files (column 10, lines 35-39). Figure 6 shows many devices including a printer linked to POS terminal 170 in order to document and facilitate sales.

The examiner takes official notice that POS registers can have cash drawers, which open automatically during a sale in order to hold the cash and facilitate the sale.

Based on the teaching of Beach et al., it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the phone line communication system of Danielson et al. to incorporate the Beach et al. communications system including the use of the Internet, a web browser, and HTML documents in order to take advantage of improved displays and improved ability to retrieve and convert data files. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to expand upon the POS terminals of Danielson et al. to incorporate cash drawers which open automatically during a sale in order to hold the cash and facilitate the sale and printers in order to document and facilitate sales.

***Response to Arguments***

2. Applicant's arguments filed 1/28/05 have been fully considered but they are not persuasive.

Applicant asserts that the combination of references does not show "real time". The examiner does not concur. The GUI web browser is considered to be "real time" communication and processing.

Applicant asserts that Danielson teaches away from the modification suggested by the rejection. The examiner does not concur. The improvement of an entire communication system is still obvious over the best mode of an inferior system.

***Conclusion***

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Cuff whose telephone number is (571) 272-6778. The examiner can normally be reached on 8:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Michael Cuff  
May 13, 2005